

REMARKS

In the Decision on Appeal mailed July 8, 2008, the Board sustained the Examiner's rejections of claims 16-42 under 35 U.S.C. § 103 as obvious in view of the Slattery et al. and Ross et al. references (U.S. Patent Nos. 6,514,085 and 6,608,628, respectively), and reversed the rejection of claim 16 under 35 U.S.C. § 102(b) as anticipated by the Stein reference (U.S. Patent No. 5,684,952). Additionally, the Board sustained the rejection of claim 16 under 35 U.S.C. § 103 as obvious in view of the Stein and Ross et al. references, but designated this rejection as a new ground of rejection within the meaning of 37 C.F.R. § 41.50(b). Appellants canceled claims 1-15 in a previous communication.

By the present communication, Applicants amend claims 16, 18-21, 28, 29, 31, 33-37, and 39 to further clarify the claimed subject matter. Upon entry of the amendments, claims 16-42 will remain pending in the present patent application. Applicants respectfully request reconsideration and allowance of all pending claims.

Rejections under 35 U.S.C. § 103

Claims 16-42 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Slattery et al. in view of Ross et al. Further, claim 16 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Stein in view of Ross et al. Applicants have amended the claims in view of the Decision on Appeal, and respectfully submit that the amended claims are allowable over these previous rejections.

Legal Precedent

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). In establishing a *prima facie* case for obviousness, "the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this

background, the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long-felt but unresolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented.” *KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1729 (2007) (quoting *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966)). It is often necessary “to look to interrelated teachings of multiple patents, the effects of demands known to the design community or present in the market place; and the background knowledge possessed by a person having ordinary skill in the art.” *Id.* This analysis should be made explicit. *Id.* (citing *In re Khan*, 441 F.3d 977, 988 (Fed. Cir. 2006) (“[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness”)).

Additionally, a claim having several elements is *not* proved obvious merely by demonstrating that each of its elements was known in the prior art. *Id.* In this regard, the Supreme Court recently reiterated that it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does...because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known.” *Id.* As such, the obviousness inquiry does not hinge on demonstrating that elements were known in the art. Rather, the obviousness inquiry focuses on whether the claimed subject matter would have been obvious to persons having ordinary skill in the art in view of the demands and practices of the design community at the time of filing of the application. *See id.*

Rejection of Claims 16-42 based on the Slattery et al. and Ross et al. References

Applicants respectfully note that the Slattery et al. and Ross et al. references collectively fail to disclose each element of independent claims 16, 28, and 34. For instance, independent claim 16 recites “interactively instructing the trainee via the

collaborative computing environment, wherein interactively instructing the trainee includes controlling [a] first *computer* [operated by a trainee] via [a] second *computer*” (emphasis added). Independent claims 28 recites “collaboratively interacting with a medical diagnostic imaging system coupled to [a] first remote *computer*, wherein [a] second remote *computer* interacts with the medical diagnostic imaging system *via* the first remote *computer*” (emphasis added). Further, independent claim 34 recites “a user interface shared by [] first and second *computers* for collaboratively interacting with [a] medical diagnostic imaging system, wherein the second *computer* interacts with the medical diagnostic imaging system by controlling the first *computer*” (emphasis added). Because the cited references fail to disclose such an element, the cited references cannot support a *prima facie* case of obviousness with respect to independent claims 16, 28, and 34.

In the Decision on Appeal, the Board construed “computing system” as a “network of related computer software, hardware, and data transmission devices,” and as not being limited to a “computer *per se*.” See Decision on Appeal mailed July 8, 2008, pp. 5, 15. While Applicants do not necessarily agree with the Board’s construction of the term “computing system,” Applicants have amended the present claims to recite, in the language of the Board, a computer *per se*. As noted by the Board, the rejection of the instant claims in view of Slattery et al. and Ross et al. is based on the interpretation of the Slattery trainee computing system as “includ[ing] a user computer, a device controller, and a device,” and that because a trainer can control the aforementioned device, the trainer’s computer can control the trainee computing system. See *id.* at pp. 16-17. However, neither the Board nor the Examiner has suggested that the Slattery et al. or Ross et al. references disclose “interactively instructing the trainee via the collaborative computing environment, wherein interactively instructing the trainee includes controlling [a] first *computer* [operated by a trainee] via [a] second *computer*,” (emphasis added), or a second computer that interacts with a medical diagnostic imaging system via a first computer, as variously recited by the instant claims. For at least these reasons, Applicants respectfully submit that the Slattery et al. and Ross et al. references fail to disclose such

elements, and cannot render obvious the subject matter of independent claims 16, 28, and 34, or that of their respective dependent claims.

Rejection of Claim 16 based on the Stein and Ross et al. References

Applicants also respectfully submit that the Stein and Ross et al. references collectively fail to disclose each element of independent claim 16. For instance, independent claim 16, as amended, recites that:

... the collaborative computing environment enables such control by:

- capturing screen data of a display of the first computer;
- transmitting the screen data to the second computer;
- detecting an input event initiated by the remote trainer on the second computer;
- transmitting a signal indicative of the input event from the second computer to the first computer;
- interpreting the signal at the first computer;
- caching, at the first computer, image data indicative of at least a portion of an image to be displayed on the display of the first computer;
- transmitting the image data cached at the first computer to a second computer;
- caching, at the second computer, the transmitted image data; and
- executing a command at the first computer in response to the input event initiated by the remote trainer.

Applicants respectfully submit that the Stein and Ross et al. references fail to disclose each and every element of claim 16, including those elements noted above, and, consequently, respectfully request reconsideration of this amended claim.

For at least these reasons, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 103 and allowance of claims 16-42.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below. Particularly, while Applicants believe the present claims are allowable over the previous rejections, Applicants kindly invite the Examiner to contact the undersigned to discuss any potential amendments that the Examiner believes would further clarify the claimed subject matter and allow the application to pass to issuance.

Respectfully submitted,

Date: September 8, 2008

/Lee Eubanks/
L. Lee Eubanks IV
Reg. No. 58,785
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289
(281) 970-4545